

OCSS MILITARY AND VETERANS HANDBOOK





OKLAHOMA DEPARTMENT OF HUMAN SERVICES

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Introduction

Oklahoma Child Support Services is a division of the Oklahoma Department of Human Services. We serve both custodial and noncustodial parents, and other persons with custody who may be aunts, uncles, grandparents, court-appointed guardians or others who care for a child. Either a custodial person or noncustodial parent may open a case. Applications can be found online and at any OKDHS or OCSS office, or you can call the CARE Call Center.

OCSS understands that service members, veterans and their families face unique issues, and we are committed to providing services to help.

OCSS provides the following services:

- Locate parents
- Establish paternity
- Establish child support orders
- Establish medical support orders
- Review and modify child support orders
- Collect and enforce orders

OCSS attorneys represent the State of Oklahoma and not individuals. OCSS does not handle divorces, custody or visitation issues. We may be able to refer you to community partners to assist with custody and visitation issues.

Paternity

Establishing paternity is the legal process to determine the father of a child. Paternity provides a child of unmarried parents the same rights as a child born to married parents. Paternity establishment may be complicated by deployment or other lengthy separation due to military service.

Paternity can be established in several ways. When a married couple has a child born or conceived during the marriage, the law presumes the husband is the child's legal father. In some instances this can be disputed. If the parents are unmarried and there is no legal father, both parents may sign the acknowledgment of paternity form. Paternity may also be established by a district or administrative court order. OCSS provides genetic testing services when there is no legal father.

Establishing orders

OCSS can file a case in district or administrative court to establish a support order. The amount of support is based on child support guidelines set by law. The Oklahoma guidelines ask for information about the number of children, court-ordered child support paid by either parent to another family, other children of the parents, amount of income for each parent, child care expenses, and medical costs. Military base pay, special pay and some types of allowances are included in a parent's income. The support order established through OCSS will include a provision for immediate income withholding and medical support.

When there is no child support order, a service member may provide support for his or her child

through a voluntary allotment. Voluntary allotments are not treated the same by all courts when establishing a child support order. Courts may consider voluntary allotments a gift because there is nothing in writing stating it is for child support. As a result, a judge may not give you credit for past support.

Modification

If your monthly support amount does not match your ability to pay support, you may make a request to review and modify your support order. Pay changes related to entering military service, changes in assignment, deployment, or a release from active military service do not result in an automatic change in child support order amounts.

If you believe your child support order needs to be modified, send a written request explaining the reason to the child support office that handles your case. Upon receiving a request, the child support office reviews your case and determines if the order can be modified.

You can represent yourself and modify your order through a “do-it yourself” modification process. You can request forms by contacting the CARE Call Center, downloading them online, or visiting any OCSS office.

Additionally, you can hire a private attorney to represent you and file an action to modify your child support order. Hiring a private attorney allows you to deal with other issues, such as custody and visitation.

Enforcement

OCSS has many ways to enforce support orders. Some of these include:

- Income withholding from wages or other income
- Interception of federal and state income tax refunds
- Passport denial
- Levies or garnishments on bank accounts or other financial accounts
- Liens on real or personal property
- Suspension or revocation of drivers, professional, or hunting and fishing licenses
- Contempt of court actions

If you are having problems paying child support, the OCSS office handling the case may have a court liaison who can help. OCSS court liaisons help noncustodial parents find employment or connect with other resources. Be sure to ask if the office handling your case has a court liaison.



Servicemembers Civil Relief Act (SCRA)

The SCRA (50 App. USC §§ 501 - 597b) became effective Dec. 19, 2003. The SCRA covers traditional armed forces members, reservists and members of the National Guard called to active duty for more than 30 days, and American citizens serving in the armed forces of another country that is an ally of the United States. The SCRA applies to both district and administrative court proceedings, including child support and paternity actions. The SCRA provides some protections against default judgments and may allow you to lower your interest rate on judgments.

How to Contact OCSS

Website: www.okdhs.org

CARE Call Center

OKC: 522-CARE (522-2273)

Tulsa: 295-3500

Toll Free: 1-800-522-2922

The TTY line: 711 or 1-800-722-0353

Another Useful Resource

Oklahoma Lawyers for America's Heroes

Visit www.okbar.org/heroes for help with legal issues.

Email questions to heroes@okbar.org

